

## SENATE BILL NO. 314

INTRODUCED BY LARSON, GILLAN, LINDEEN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COMMISSIONER QUALIFICATIONS FOR IRRIGATION DISTRICTS; DEFINING THE TERMS "ENTITY" AND "SIGNIFICANT "OWNERSHIP INTEREST" TERM "ENTITY"; AMENDING SECTION 85-7-1501, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~NEW SECTION. Section 1. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:~~

~~(1) "Entity" means a corporation, a limited liability company, a business trust, an estate, a trust, a partnership, an unincorporated association, or a foundation.~~

~~(2) "Significant interest" means at least 20% equity ownership interest or 20% "OWNERSHIP INTEREST" MEANS SOME PORTION OF EQUITY OWNERSHIP INTEREST OR SOME PORTION OF debt responsibility in an entity.~~

**Section 1.** Section 85-7-1501, MCA, is amended to read:

**"85-7-1501. Qualifications of commissioners and term of office.** (1) ~~A person may not be a commissioner unless he is an owner of irrigable land within the division of the district he is to represent and is a resident of the county in which the division of the district or some portion of the division is situated. To qualify as a commissioner, an individual:~~

~~(a) shall OWN IRRIGABLE LAND WITHIN THE DIVISION OF THE DISTRICT THAT THE INDIVIDUAL WOULD REPRESENT OR own irrigable land within the division of the district that the individual would represent or hold a significant interest in an entity that owns irrigable land within the division of the district that the individual would represent HOLD AN OWNERSHIP INTEREST IN EQUITY OWNERSHIP IN AN ENTITY THAT OWNS IRRIGABLE LAND WITHIN THE DIVISION OF THE DISTRICT THAT THE INDIVIDUAL WOULD REPRESENT; and~~

~~(b) must have been a citizen RESIDENT of Montana for at least 1 year BE A RESIDENT OF THE COUNTY, OR AN ADJOINING COUNTY, IN WHICH SOME PORTION OF THE DIVISION OF THE DISTRICT THAT THE INDIVIDUAL WOULD REPRESENT IS LOCATED.~~

(2) The commissioners appointed shall hold their respective offices until their respective successors

are elected and qualified. Each of the commissioners shall qualify in the same manner as justices of the peace.  
The bond for a commissioner must be approved by the district court or judge of the district court and filed in the office of the clerk of the court.

(3) FOR THE PURPOSES OF THIS SECTION, THE TERM "ENTITY" MEANS A CORPORATION, A LIMITED LIABILITY COMPANY, A BUSINESS TRUST, AN ESTATE, A TRUST, A PARTNERSHIP, AN UNINCORPORATED ASSOCIATION, OR A FOUNDATION."

~~NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 85, chapter 7, part 15, and the provisions of Title 85, chapter 7, part 15, apply to [section 1].~~

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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